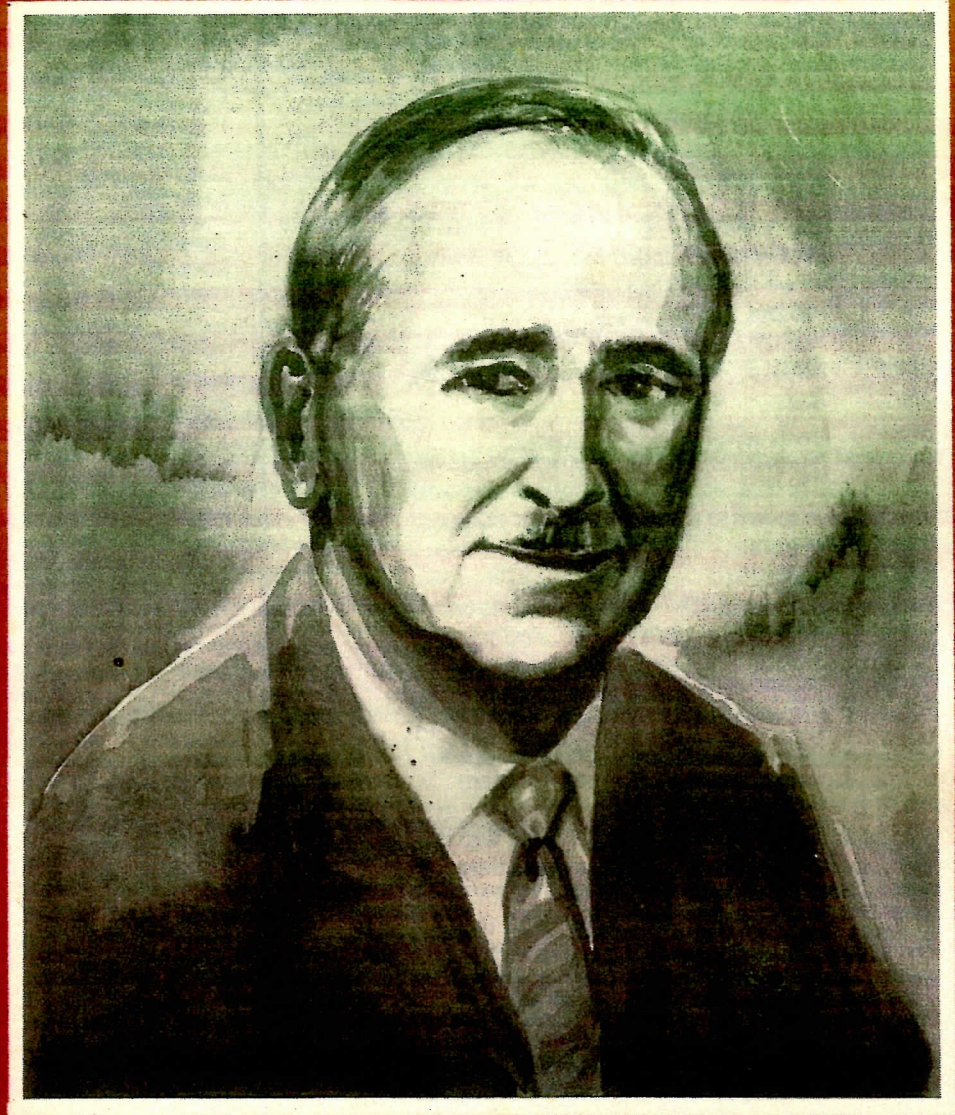


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Freedom and Men's Issues

by David C. Morrow

In court women often seem "more equal" than men these days.

The discussion of men's issues is key to preserving and extending freedom, yet libertarians continue to follow the mainstream tactic of ignoring them. True, some have criticized the sexist draft. Few, however, comment on such discrimination as that evidenced by the May, 1986 arrest in Round Rock, Texas, of Albert Paxton, his wife, and a male companion for selling car bombs. The two men were held on \$50,000 bonds deemed too low by many who didn't protest the court's release of Mrs. Paxton on her own recognizance.

Anti-male sexism in family law is more familiar and even less discussed. Despite legislation that mandates parental equality in child custody; despite studies by Ken Pangborn, John Rossler, and other family advocates showing that 67% of child abuse is committed by women (87% of them single mothers) and most of the rest by unrelated male companions; and despite the fact that nowadays both parents must work, women are granted child custody in 98% of divorces. Most divorces are, sought by women, who virtually always get them, an contested by men who, usually denied fundamental legal rights accorded all criminals, virtually always lose children, property, and future income, and are required to pay all costs.

Although evidence is overwhelming that men who maintain a post-divorce relationship with their children pay support, and that children in these relationships usually escape the emotional and legal troubles that statistically plague children of divorce, the courts refuse to enforce visitation rights and refuse even to make payment contingent upon them. They do, however, jail even unemployed fathers who do not pay, and have overseen the construction of a vast computerized bureaucracy to hunt them down.

Civil rights advocates of every stripe ignore these injustices. Conservatives tend to view women as dependent, stupid, weak creatures who can't survive without chivalric concessions. Liberals tend to view women as needing social programs and special protective laws to help them overcome supposed centuries of oppression — i.e. as too dependent, stupid, and weak to make decisions and attain goals, given the opportunity. Libertarians seem

to have a "kid brother" complex about liberalism that makes them jump on every underdog bandwagon in their unthinking zeal to get support from liberals. A recent Libertarian candidate for state office, for example, announced that although he believed in total equality, Texas urgently needed a wife rape law. His pandering to an imagined feminist electorate failed.

One cause of this inconsistency is revealed in the writings and researches of men's rights workers like R. F. Doyle, Louis Kiefer, and Monte Vanton. To sum it up, divorce profits the legal profession; so attorneys, who hold many executive, most legislative, and virtually all judicial offices, devise laws intended to bribe women to seek divorce by forcing men to continue supporting them afterwards, by guaranteeing child custody despite the law, and by setting no limits on behavior permissible to females. Such laws and practices dovetail nicely both with chivalric tradition and radical feminist demands, leaving men nowhere to turn.

R. F. Doyle in, *The Rape of the Male*, illustrates the existence of barrister conspiracies against freedom with, among other evidence, this telling quotation from the September 17, 1979 Philadelphia Inquirer:

The Philadelphia Bar Association voted (at a meeting) not to decriminalize marijuana...Walter Cohen, head of the association subcommittee quoted the spokesman for the majority, A. Charles Peruto, as follows, "He said we need these cases for the money we get from them." Peruto's remarks were met with enthusiastic applause by many of the 250 lawyers present.

This is a crucial decade because of what is either a turn to conservatism or a resurgence of basic attitudes. Libertarians, if they are to preserve freedom against the forces in government seeking to destroy it, must stop allowing liberals to define social conflicts for them and see for themselves the real inequalities and oppressions. Some have always known that to limit government, we must change the unrepresentative composition of legislative bodies and, especially, restrict the excessive power of the judiciary, but even they remain blinded by liberal bias against

men's issues.

These issues are simple for libertarians to resolve. Extending the principles of equality before law, particularly family law, to men, and of equality of opportunity to women is all it takes. Marriages, for example, might best be contractual arrangements not modifiable by judicial whim. Joint child custody should be standard procedure in divorce unless the original contract specifies another arrangement or unless concrete evidence proves another option desirable. It should be assumed that as rational, competent adults women do not automatically need to be supported by ex-husbands or former roommates, especially to the ridiculous and excessive degree accorded women like Joanna Carson. Men and women should not be treated differently by criminal courts. By removing the profit in divorce laws, libertarian legislators will be forcing the hands of anti-freedom officials.

Not only are family issues, which are at present identical to men's issues, an approach to limiting government's powers, but they are of widespread concern. Most people do indeed want economic opportunity, free speech, free press, and the rest of their democratic birthright, but they also want the security of families that are not destabilized by biased laws and decisions.

Economic freedom and family stability are becoming the province and property of the mind-stifling religious right because no present, purely political group has the courage (though they certainly have the wealth) to take a positive stand on both. If freedom's advocates don't achieve a broader consensus, free thought will become as rare as justice in a divorce court.

David C. Morrow has written for the men's movement for the last decade, including two years as editor of Men International. He is a regular contributor to men's rights publications such as Transactions, Legal Beagle, Men's Journal, and others. His articles have appeared in Men Freeing Men, an anthology of men's issues.

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Studies in Spontaneous Order

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gun owners' rights and the Laurie Dann shootings
Articles by Gene Cahill and Howard McConnell



Also in this issue: Electronic mind control • Rethinking marriage, divorce, and rights • Big Brother down on the farm • Exploring rights with game theory • Superman vs. the exclusionary rule • and more

the electric conscience

by David Morrow

One of government's few functions is to protect citizens against those whose lack of conscience endangers them. Yet power abuse is inevitable even in democracies, where officials are controlled by voters or their representatives and by divided and balanced functions. Little realms of influence and favoritism are carved out; officials use pretexts to seal records, excuse biased actions, control the media. People seeking help become exploitable economic resources or victims of mind games.

High ethical standards and training to create internal emotional controls are democracies' only real defense. But, by definition, good politicians can always rationalize their actions in terms of any philosophy. Motives and thoughts have, dependent upon one's control of facial and body language and the mystique of authority, always been beyond the ken of others.

The success of modern neuroscience hasn't done much to alleviate fear of government abuses, either, since few scientists concentrate on how to improve ethical behavior. With the 1968 publication of his book, *Physical Control of the Mind*, Spanish psychologist José Delgado opened new dangers within a regulated, authoritarian brave new world. Working at the University of Madrid, Delgado not only demonstrated what had long been suspected, that specific areas of the brain correlate with specific mental functions, but showed how this knowledge could be used.

Electrodes in different parts of the brain produce different effects when stimulated: limb movements, facial expressions, whole sequences of action, sleep. Delgado induced monkeys to cast aside and even attack their babies by the

simple application of a tiny current. The monkeys were made to experience unendurable terror or pleasure so intense they preferred it to food, sex, or heroin.

Behavior control is a reality. The brain can be explored in action. Delgado described experiments in radio communication between brain and computer . . . patients with wired brains walked about freely, once secret functions monitored by the computer or its operators.

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So powerful a tool was this, that Delgado not only controlled the bull in a bullfight by radio; but, in what was indeed an apocryphal experiment, allowed monkeys to manipulate one another's brains. It is only a step from his experiments to the radio tracking of wild animals and parolees.

There has been a disadvantage to mind control. Granted one could monitor the brain activity of another, an action might have different motives, some benevolent, some selfish, some totally irrational. Motives may not be apparent to an observer either of a behavior or the simple electrical activity accompanying it.

The development of scanning technology out of electroencephalography is making these motives accessible. Scanners date back to the 1960s, contemporary with Delgado's early work, and at first required the injection of radioactive tracers into the subject's bloodstream, though, as in EEGs, only the brain's surface could be monitored.

By the late 1970s Michel Ter-Pogossian of St. Louis' Washington University designed a scanner—the PET—which used radioactive glucose to mimic body chemistry exactly. In the 1980s this was followed by the Nuclear Magnetic Resonance Scanner that measures flips in the magnetic polarity of atoms, identifies the atoms and their changes, and so their processes. Though still developing, scanner technology has already enable scientists to examine video representations of once unreachable facets of brain and mind.

For instance, researchers at the University of Texas Health Science Center at Dallas have found that every person has a distinctive and identifiable "mindprint," a characteristic pattern revealed by the scanner for his or her mind (an idea first appearing in Edgar Rich Burroughs' Martian novels). These change when the personality does and alternate with the alternations of multiple personalities.

Investigators have identified patterns that correspond to reported auditory hallucinations, schizophrenic patterns distinct from those of normal persons, and a distinctive pattern in the left mesial temporal lobe—an emotional center—of patients who suffer sudden anxiety attacks.

Amid promises that this could be useful in determining the validity of an insanity defense, in uncovering unsus-

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Illustration by James W. Judson

change. The actual volume of money in circulation was of little matter. The crucial point that Tucker ignored, according to Fisher, was that, in lending money, the owner surrenders the use of it for a given length of time. That is, the source of interest did not lie in government restrictions on the supply of money. Interest was the payment for what may be termed the borrower's "purchase" of the use of money, and thus his acquisition of additional purchasing power, for a given period of time. For Fisher, interest was not an artificial product of the government money monopoly; it was an ineradicable economic phenomenon.

The major difficulty with the book is that, instead of being grouped according to topics, the articles are arranged alphabetically by author. The result is that issues dealt with in one article often resurface several articles later with completely different issues having been treated in the intervening articles. The organizational chaos is irritating. The Watner/Werkheiser debate would probably have lost much of its dramatic impact had the two articles not appeared back-to-back by mere alphabetical happenstance.

Benjamin Tucker was the single most important American anarchist theorist of the nineteenth century. His neglect by American historians is unjustified and one can only hope that *Benjamin R. Tucker and the Champions of Liberty* will help to redress that injustice. The book is a welcome addition to the literature on American anarchism. It should be read by everyone interested in either the native American anarchist tradition in particular or American political thought in general.

David Osterfeld is an Associate Professor of Political Science at St. Joseph's College in Indiana, and is the author of Freedom, Society and the State.

Benjamin R. Tucker and the Champions of Liberty, edited by Michael Coughlin, Charles Hamilton, and Mark Sullivan (St. Paul: Michael Sullivan, Pub., 1986)

the electric conscience

(continued from page 45)

pected disorders before they surface, or in detecting lies, are realistic fears that this too, will be used by authorities to undermine individualism, freedom, privacy, in order to protect their own wrongdoing and increase their power.

Our democratic traditions already know how to turn this potential tool of oppression into a new way to ensure freedom and control the excesses of authority. Before the technology becomes too complex and secretly integrated with the economic and social underpinnings of the powerful, we must make conscious use of it, not against citizens, or even criminals, but to control government officials.

In mind control technology, we have the perfect tool to do precisely what the powerful claim they do: ensuring honesty. As it improves, we should require our leaders, and *only* our leaders to submit to it. A central computer, programmed to measure their thoughts and actions against an implacable moral standard agreed upon by consensus will, beyond the control or interference of any individual, monitor their most intimate behavior.

This is justifiable in the same way as controlling these persons through the ballot box and the courts. Power inevitably brings with it increased opportunities for doing wrong, and persons who seek positions of authority are certainly aware of this. Even the most benevolent can be seduced by the experience of power; just as officeholders expect to be scrutinized externally by the press and the public, so can they expect to have their minds watched. Those who find this difficult to accept can see it as a necessary dimension of responsibility.

Judges, lawyers, and civil servants (as opposed to private businesspersons) will be required to have their brains wired, perhaps via a portable mesh under the wigs traditionally seen on British

judges, to enable the computer to read the patterns of their thoughts and by remote control use their own nervous systems to punish them for any dishonesty.

Citizens will have total access to these reports, and they will themselves enforce redress: a corrupt judge will resign after reversing his or her unjust decision. A lawyer willing to be bought off by his client's opposition will transfer the bribe to the client and never again practice law, both he and the opponent automatically losing the case. A person seeking to ban some form of publication will have his or her innermost desires for power, and cheapest motives revealed to all.

Thus the technology of mind control can save our natural rights from those most dangerous elements of society: the powerful. It can do this by enabling us to create, with the consent of all citizens and beyond any possibility of secret cheating, an implacable conscience and inner yet public moral standard in our elected or appointed officials.

David Morrow has written frequently for the last decade, including two years as editor of Men International. His last article for Nomos was "Freedom and Men's Rights," in the July/August 1987 issue.

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Studies in Spontaneous Order

David Friedman analyzes the realities of a basic libertarian issue

Is nonintervention the truly libertarian foreign policy?



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Lawyers make the laws, judge the laws, break the laws, fudge the laws—shouldn't this change?

An American Tyranny

by David C. Morrow

Slave owners often helped themselves to their female property and medieval lords showed their ability to dominate and degrade by having serfs' brides spend their wedding nights with them and not the grooms.

The California State Bar's Standing Committee on Professional Responsibility and Conduct has recently decided that "a lawyer-client sexual relationship" does not impair the lawyer's ability "to competently perform the legal services required."

"A ban on any sexual relationship with a client," the gentlemen of the Bar concluded, "appears overly broad and unnecessary." Like the Alaska Bar Association and, a few years ago, its Oregon counterpart, they ruled it perfectly fine for lawyers to have sex with women (or men) they represent.

Much criticism of lawyers has come from men trying to reform divorce laws that give wives at least half a man's property, most of his future income, and child support without enforced visitation. The accusation is that attorneys, in legislative offices deliberately make laws that bribe women to divorce in order to generate cases and that judges, themselves lawyers, assign custody to women because of evidence showing that maternal more often than paternal custody results in juvenile delinquency. That divorcees may not enjoy as high a living standard as they anticipate is of no concern to the lawyers.

While these observations can be supported by findings of such established researchers as the Kettering Foundation and the FBI Crime report, there are broader implications.

Minnesotan R.F. Doyle, while researching the law's abuse of marriage, came across a telling article in the September 17, 1975 *Philadelphia Inquirer*. Participants in a Philadelphia Bar Association meeting voted against

marijuana decriminalization. No health reasons were cited; instead the prominent attorney A. Charles Peruto said that lawyers needed marijuana cases for personal profit. One need but recall how prostitution, pornography, and other vices are usually tolerated except during election year when incumbents need to demonstrate their "effectiveness" and raise extra revenues while scratching one another's backs.

More recently, victims of violent crimes by repeat offenders have begun to speak out against lenient judges and parole boards who do not keep dangerous offenders locked up. Each retrial means money for lawyers, judges, and a host of

Since lawyers occupy all branches of government, the separation of powers exists only on paper.

court employees, and who better to guarantee retrials than habitual criminals?

To test the lawyer conspiracy theory a few years ago, I sent to various state legislatures for copies of their statistics. While Idaho listed only eight of 105 legislators as lawyers in 1983, I discovered that in Wisconsin, for example, eleven of thirty-one senators and twelve of ninety-nine representatives were attorneys. During that time, seventeen of Alabama's thirty-five senators and eleven of sixty-five representatives were lawyers. The New York State legislature was twenty percent lawyers. Governors, as in Wisconsin, frequently proved to be lawyers.

It would seem that since members of the legal fraternity occupy all branches of government, the separation of powers exists only on paper. This enables them to generate cases for profit and the public detriment by making unenforceable laws, encouraging repeat offenders as long as possible, and appealing to greed to keep

families—and thereby society in general—in disorder. Perhaps, indeed, most of America's problems are due less to mysterious sociological factors than to sly legal machinations.

In their zeal to publicly approve their own sexual misbehavior, what lawyers are really doing is, like slave owners or medieval lords, sneering down at the rest of us from their pinnacle and flaunting their privileges in the most degrading and insulting manner. They are also engaging in behavior that causes social change, especially change of ruling classes. It is the signal to take actions to eliminate their tyranny.

We should exclude attorneys from all legislative and executive positions. Office holders can hire or appoint legal advisors. Judges should be elected, since appointment, especially by professional peers, would be perverted to favor persons who work to advance their profession and not to secure justice and social stability. Rather than campaigning, judges should have to publish their decisions and sentences with complete explanations in ordinary language, and this information alone should be the basis of the voters' decision to re-elect or turn them out of office. Since they enjoy immunity from prosecution for wrongful decisions, judges' punishments for crimes committed while in office should be extremely severe.

With these and other measures that may be found useful, we can enter the next century with few social problems, a very high standard of public morality, and with crimes violent and victimless under a functional measure of control.

David Morrow has written frequently for the last decade. His most recent Nomos article was "The Electric Conscience" (Fall/Winter 1988).